

**Notice of Allowability**

Application No.

09/812,789

Examiner

Andy S. Rao

Applicant(s)

TAKENAKA, YUUJI

Art Unit

2613

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/15/04.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 15 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

ANDY RAO  
PRIMARY EXAMINER

*Allowable Subject Matter*

1. Claims 1-12 are allowed.

Independent claim 1 recites an image control apparatus including "...repetitive number control means for adaptively controlling the number of repeated B pictures to be inserted into a stream based on the compared result of the comparison process which is carried out by said comparison processing means and increasing or decreasing the number of the B pictures in the stream during the process of coding the image signal..." which are features that are not anticipated nor obvious over the art of record. Independent claim 6 recites an image control apparatus including "...picture insertion control means for inserting an I picture into a stream during the process of coding the image signal if a scene change is detected by said scene change detecting means and inhibiting a reference to a predicted value across and over the I picture which is inserted as a scene changing view..." which are features that are not anticipated nor obvious over the art of record. Independent claim 12 recites an image control apparatus including "...repetitive number control means for adaptively controlling the number of repeated B pictures to be inserted into a stream based on the compared result of the comparison process which is carried out by said comparison processing means, and increasing or decreasing the number of the B pictures in the stream during the process of coding the image signal; scene change detecting means for detecting the occurrence of a scene change based on an interframe difference average representing an average of interframe differences of one picture; and picture insertion control means for inserting an I picture into a stream during the process of coding the image signal if a scene change is detected by said scene change detecting means, and inhibiting a reference to a predicted value across-and over the I picture which is inserted as a scene changing view..."

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which are features that are not anticipated nor obvious over the art of record. Dependent claims 2-5, and 7-11 are allowed for the reasons concerning the independent claims.

*Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

asr  
January 13, 2005

Andy S. Rao  
Primary Examiner  
Art Unit 2613  
**ANDY RAO**  
**PRIMARY EXAMINER**